

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

TAMARA POPELMAYER, et al,

Plaintiffs,

Case No. 23-cv-10510

v.

Paul D. Borman  
United States District Judge

HORSE N AROUND STABLES, INC.,

Defendant.

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**ORDER OF REFERRAL TO FACILITATIVE MEDIATION**  
**PURSUANT TO E.D. MICH. L. R. 16.4**

The Court determines that this case would benefit from facilitation, and pursuant to E.D. Mich. L.R. 16.4, it is **ORDERED** that this matter is hereby referred to facilitative mediation. The parties have chosen **Thomas Behm, Esquire**, and scheduled a date of **September 17, 2024**. All parties or individuals with settlement authority are required to attend **in person** the facilitative mediation(s) with their respective counsel of record. Corporate parties must be represented by an agent with authority to negotiate a binding settlement. Plaintiff's counsel shall provide a copy of this order to the mediator.

It is further **ORDERED** that the facilitative mediation shall be conducted in the manner and method prescribed by E.D. Mich. L. R. 16.4.

It is further **ORDERED** that pursuant to Fed. R. Evid. 408, all information disclosed during the facilitative mediation session shall remain confidential and shall not be disclosed to any other party or to this Court, without the consent of the parties. The Mediator shall not be called as a witness, nor may the Mediator's records be subpoenaed or used as evidence.

It is further **ORDERED** that within two weeks of completion of the final facilitative mediation session, the Mediator will file a brief report with the Court stating only who participated in the facilitative mediation session(s) – including whether the parties were present – and whether a settlement was reached. Such post-facilitation report is not to contain any additional information which may breach the principles of confidentiality and privacy noted herein. The report should be emailed to the Court<sup>1</sup>.

It is further **ORDERED** that the parties shall pay to the Mediator his administrative fee and hourly rate, which shall be divided equally between the parties.

This referral is not a substitute for further proceedings and the above-entitled case will proceed with the Magistrate Judge in the event settlement is not reached.

IT IS SO ORDERED.

s/Paul D. Borman

Paul D. Borman

United States District Judge

Date: June 7, 2024

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<sup>1</sup> Susan\_Pinkowski@mied.uscourts.gov